

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANNY THOMAS FOX,

Defendant.

CR 07-113-GF-BMM
CR 12-70-GF-BMM

ORDER

United States Magistrate Judge John Johnston conducted a joint revocation hearing in Causes CR 07-113-GF-BMM and CR 12-70-GF-BMM on March 30, 2017. Defendant admitted that he had violated the conditions of his supervised release by using methamphetamine, and by failing to report for substance abuse testing. Judge Johnston found the admissions sufficient to establish the supervised release violations. Judge Johnston entered his findings and recommendations on April 4, 2017.

Judge Johnson recommended that this Court revoke Defendant's supervised release in both cases and sentence the Defendant in each case to six months in custody followed by 21 months of supervised release. Judge Johnson also recommended that the Defendant be evaluated for in-patient treatment options as

part of his supervised release.

No objections were filed by either party. Judge Johnston's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commadore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's findings. Defendant admitted that he had violated the conditions of his supervised release. Defendant could be incarcerated for up to 60 months in each case. Defendant could be ordered to remain on supervised release for 37 months less any custody time imposed in Cause CR 07-113-GF-BMM, and he could be ordered to remain on supervised release for 31 months less any custody time imposed in Cause CR 12-70-GF-BMM. The United States Sentencing Guidelines call for a term of imprisonment of 5 to 11 months. A sentence of 6 months in custody, followed by 21 months of supervised release is appropriate. The sentence is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 93 in Cause CR 07-113-GF-BMM, and Doc. 47 in Cause 12-70-GF-BMM)

are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 27th day of April, 2017.



Brian Morris
United States District Court Judge